

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MAACO ENTERPRISES, INC.
381 Brooks Road
King of Prussia, PA 19406**

vs.

**CASEY J. FULLER &
V&F ENTERPRISES, INC.
2429 Fifth Avenue South
Birmingham, AL 35233**

: CIVIL ACTION NO.: 02-3751
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: JURY TRIAL NOT DEMANDED
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REQUEST FOR DEFAULT PURSUANT TO FED.R.CIV.P. 55(a)

TO THE CLERK:

Pursuant to Federal Rule of Civil Procedure 55(a), plaintiff requests that the Clerk enter a default on the docket against defendants Casey J. Fuller and V&F Enterprises, Inc. for defendants' failure to answer or otherwise respond to the Amended Complaint within the time prescribed by Fed.R.Civ.P. 12(a)(1)(A). Plaintiff's Declaration in Support of Request for Default is attached.

Date: October 3, 2002

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Kimberly S. Toomey
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Attorneys for Plaintiff, Maaco Enterprises, Inc.

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PLAINTIFF'S DECLARATION IN SUPPORT OF REQUEST FOR DEFAULT

Kimberly S. Toomey, attorney for plaintiff, states as follows:

- i) Plaintiff commenced this action on June 13, 2002.
- ii) The Summons and Complaint were served upon defendants Casey J. Fuller and V&F Enterprises, Inc. ("defendant") on July 8, 2002.

iii) Plaintiff filed an Amended Complaint on August 30, 2002 and served the Amended Complaint on defendants by overnight mail on that date.

4. Defendants have failed to answer or otherwise respond to the Amended Complaint within the time required by Fed.R.Civ.P. 12(a)(1)(A). No extensions to file an answer have been granted.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on _____.

Kimberly S. Toomey